

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38927 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- GORaul District- Vaishali

1. DINESH PASWAN Son of Jaimangal Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali
2. Naresh Paswan @ Naresh Kumar Son of Jaimangal Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali
3. Dipak Paswan Son of Jaimangal Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali
4. Lachchhu Paswan Son of Late Raja Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali
5. Lalti Devi Wife of Lachchhu Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali
6. Ganesh Paswan Son of Lachchhu Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali
7. Arun Paswan Son of Lachchhu Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali
8. Anil Kumar @ Anil Paswan Son of Lachchhu Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali
9. Dharmendra Paswan Son of Machchhu Paswan R/O Village - Salempur Dumariya, P.S.- Goraul (Kathara O.P.), District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-07-2023 1. Learned counsel for the petitioners submits that since the petitioner no. 6 / Ganesh Paswan has been arrested, his prayer for anticipatory bail has already been dismissed as withdrawn vide order dated 27-06-2023.



2. The remaining petitioner nos. 1 to 5 & 7 to 9 apprehend their arrest in connection with Goraul (Kathara O.P.) PS Case No. 73 / 2023 dated 24.02.2023 registered under Section 147 / 148 / 149 / 341 / 342 / 323 / 324 / 307 / 332 / 333 / 353 / 188 / 337 / 338 / 427 / 504 / 506 of the IPC.

3. As per the FIR lodged by S.I. of Kathara O.P. Police Station on 24.02.2023 the Police party upon information that the petitioners and others were violating the prohibitory order under Section 144 Cr.P.C. in relation to a land based in Khata No. 71, Plot No. 3232 & 3235, the Police party arrived at the spot, where petitioners along with 20-25 unknown persons, who were working on the disputed land, attacked the Police party due to which left hand of the Home Guard Constable was fractured.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case at the behest of one Amardeo Rai, who happens to be the Ex-Mukhiya of the village, with whom the petitioners are having land dispute. He further submits that entire family member have been implicated in the present case and all 09



persons are accused along with 20-25 unknown persons. He further submits that from perusal of the FIR it would be evident that the manner of assault and the weapon used in the assault have not been stated in the FIR and the allegation against the petitioners is general and omnibus in nature. The wife of the petitioner no. 6, who has been arrested by the Police has lodged a complaint before the DGP, Bihar, Patna and Superintendent of Police, Vaishali at Hajipur (Annexure – 2 Series) stating therein that police party has lodged false case against her family members and have also taken away water pump and a bike.

5. Regard being had to the submission made by the parties, taking into consideration the fact that there is land dispute between the petitioners and one Amardeo Rai and the allegation against petitioners is general and omnibus in nature, as such, I am inclined to grant anticipatory bail to the petitioner nos. 1 to 5 & 7 to 9.

6. Let the petitioner nos. 1 to 5 & 7 to 9, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/-



(rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) PS Case No. 73 / 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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